

United States District Court

Eastern District of Missouri

111 South 10th Street

St. Louis, Missouri 63102

James G. Woodward
Clerk of Court

314-244-7900

February 29, 2008

Everett McKinley Dirksen
United States Courthouse
20th Floor
219 South Dearborn Street
Chicago, IL 60604

08 C 1080
JUDGE Bucklo

RE: M.M. v. McDonald's Corp., etal.
Case # 4:07CV1802JCH

FILED

MAR 03 2008

Dear Clerk of Court:

**MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT**

Enclosed is a certified copy of the order dated February 27, 2008 by the MDL Panel, transferring the above styled case to the U.S. District Court for Northern District of IL.

Our Court is not currently using the CM/ECF extraction feature for transferring cases, therefore, we are including a login and password so you may access documents

Login: xxxxxx

Password: xxxxxxxx

This login and password should not be shared with anyone other than federal court personnel who would have a need to access our electronic case file system. You will need Adobe Acrobat reader loaded on your computer in order to view the documents.

In order to assist you in accessing our electronic file go to <https://ecf.moed.circ8.dcn> or for help call the help line at 866-883-7749 (toll free) or 314-244-7650. If you need further assistance, you may call the St. Louis Office at (314) 244-7800.

Please return the enclosed copy of this letter as acknowledgment of the receipt of above. Please indicate the new case number assigned to this case in your district..

Sincerely,
JAMES G. WOODWARD, CLERK

By: C. Lippold
C. Lippold
Deputy Clerk

Enclosure(s)

Received By:

Date:

New Case//:

08 C 1080
JUDGE Bucklo

ATTYNA, CLOSED, STAYED, TRANSF

**U.S. District Court
Eastern District of Missouri (LIVE) (St. Louis)
CIVIL DOCKET FOR CASE #: 4:07-cv-01802-JCH
Internal Use Only**

M.M. et al v. McDonald's Corporation et al
Assigned to: Honorable Jean C. Hamilton
Case in other court: Circuit Court of St. Charles County,
Missouri, 11-07552
Cause: 28:1446pl Petition for Removal - Product Liability

Date Filed: 10/23/2007
Date Terminated: 02/12/2008
Jury Demand: None
Nature of Suit: 365 Personal Inj. Prod.
Liability
Jurisdiction: Diversity

Plaintiff

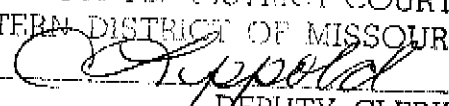
M. M.
*Minor Child #1 - by and through Next
Friend and natural mother Beth Miller*

represented by **Brian W. Smith**
SMITH AND VANTURE
1615 Forum Place
Suite 4C
West Palm Beach, FL 33401
561-684-6330
Fax: 561-688-0630
Email: bws@smithvantage.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

FILED

MAR 03 2008

**MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT**

A TRUE COPY OF THE ORIGINAL
JAMES C WOODWARD CLERK
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
BY: 
DEPUTY CLERK

Paul N. Rechenberg
RECHENBERG LAW, LLC
215 Chesterfield Business Parkway
Chesterfield, MO 63005
636-728-1900
Fax: 636-530-6805
Email: paul@rechenberglaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

M. M.
*Minor Child #2 - by and through Next
Friend and natural mother Beth Miller*

represented by **Brian W. Smith**
(See above for address)
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Paul N. Rechenberg
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Beth Miller
individually and as parent of minor children

represented by **Brian W. Smith**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Paul N. Rechenberg
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Frank Miller
individually and as parent of minor children

represented by **Brian W. Smith**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Paul N. Rechenberg
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

McDonald's Corporation

represented by **Rebecca J. Terry**
SHOOK HARDY, L.L.P.
2555 Grand Boulevard
Kansas City, MO 64108
816-474-6550
Fax: 816-421-2708
Email: rterry@shb.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kevin M. Smith

SHOOK HARDY, L.L.P.
2555 Grand Boulevard
Kansas City, MO 64108
816-474-6550
Fax: 816-421-5547
Email: ksmith@shb.com
ATTORNEY TO BE NOTICED

Defendant**Christian Foods, L.C.**

represented by **Rebecca J. Terry**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kevin M. Smith
(See above for address)
ATTORNEY TO BE NOTICED

Defendant**Alex Bishop, Inc.**

represented by **Rebecca J. Terry**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

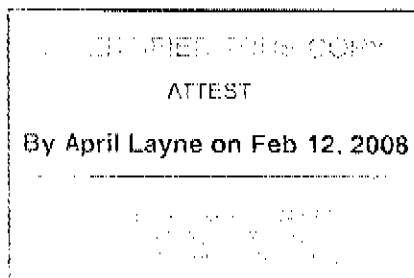
Kevin M. Smith
(See above for address)
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|------------|--------------------|--|
| 10/23/2007 | 31 | NOTICE OF REMOVAL from Circuit Court of St. Charles County, Missouri, case number 0711-7552, Filing fee \$ 350 with receipt number 1244203 Non-Jury Demand Demand,, filed by McDonald's Corporation. (Attachments: // 1 Exhibit A# 2 Exhibit B// 3 Exhibit C# 4 Exhibit D// 5 Exhibit E# 6 Exhibit F# 7 Exhibit G)(Smith, Kevin) (Entered: 10/23/2007) |
| 10/23/2007 | 32 | NOTICE OF FILING NOTICE OF REMOVAL filed by Defendant McDonald's Corporation Sent To: Paul N. Rechenberg, Elizabeth A. Rechenberg and Brian W. Smith (Smith, Kevin) (Entered: 10/23/2007) |
| 10/23/2007 | 33 | DISCLOSURE OF CORPORATION INTERESTS CERTIFICATE by Defendant McDonald's Corporation. (Smith, Kevin) (Entered: 10/23/2007) |
| 10/23/2007 | 34 | Consent to Removal by Defendant Christian Foods, L.C.. (Smith, Kevin) |

| | | |
|------------|-----|--|
| | | (Entered: 10/23/2007) |
| 10/23/2007 | 35 | DISCLOSURE OF CORPORATION INTERESTS CERTIFICATE by Defendant Christian Foods, L.C.. (Smith, Kevin) (Entered: 10/23/2007) |
| 10/23/2007 | 36 | Consent to Removal by Defendant Alex Bishop, Inc.. (Smith, Kevin) (Entered: 10/23/2007) |
| 10/23/2007 | 37 | DISCLOSURE OF CORPORATION INTERESTS CERTIFICATE by Defendant Alex Bishop, Inc.. (Smith, Kevin) (Entered: 10/23/2007) |
| 10/23/2007 | 38 | NOTICE by Defendant McDonald's Corporation re 1 Notice of Removal Petition, <i>Notice of Filing Document Under Seal</i> : (Smith, Kevin) (Entered: 10/23/2007) |
| 10/24/2007 | 39 | Case Opening Notification - Judge Assigned: Honorable Jean C. Hamilton. (CDD,) (Entered: 10/24/2007) |
| 10/24/2007 | 39 | Letter to attorney Brian W. Smith from Deputy Clerk Re: Admission by Motion Pro Hac Vice requirements (CDD,) (Entered: 10/24/2007) |
| 10/24/2007 | 310 | EXHIBIT A re 1 Notice of Removal Petition, by Defendant McDonald's Corporation. (FILED UNDER SEAL) (MJM,) (Entered: 10/24/2007) |
| 10/29/2007 | 311 | MOTION for Extension of Time to File Answer <i>Or Otherwise Respond to Plaintiffs' Petition</i> by Defendants McDonald's Corporation, Christian Foods, L.C., Alex Bishop, Inc.. (Attachments: # 1 Exhibit MILLER: Exhibit A to Defendants' Motion for Extension# 2 Text of Proposed Order MILLER - Proposed Order Granting Defendants' Motion for Extension of Time)(Smith, Kevin) (Entered: 10/29/2007) |
| 10/30/2007 | 39 | Docket Text ORDER: Re: 11 MOTION for Extension of Time to File Answer <i>Or Otherwise Respond to Plaintiffs' Petition</i> by Defendants McDonald's Corporation, Christian Foods, L.C., Alex Bishop, Inc.. (Attachments: # Exhibit MILLER: Exhibit A to Defendants' Motion for Extension# Text of Proposed Order MILLER - Proposed Order Granting Defendants' Motion for Extension of Time)(Smith, Kevin) filed by McDonald's Corporation,, Christian Foods, L.C., Alex Bishop, Inc.; ORDERED DEFENDANT GRANTED TO AND INCLUDING 11/29/07 IN WHICH TO RESPOND TO COMPLAINT. Signed by Judge Jean C. Hamilton on 10/30/07. (TRC) (Entered: 10/30/2007) |
| 10/30/2007 | 39 | ORDER RECEIPT: (see receipt) Tue Oct 30 14:54:48 CDT 2007 (TRC,) (Entered: 10/30/2007) |
| 10/30/2007 | | (Court only) Set Deadlines/Hearings:McDonald's Corporation answer due 11/29/2007; Christian Foods, L.C. answer due 11/29/2007; Alex Bishop, Inc. answer due 11/29/2007. (TRC) (Entered: 10/30/2007) |

| | | |
|------------|----|--|
| 11/21/2007 | 12 | First MOTION to Remand Case to State Court to state court by Plaintiff Beth Miller. (Rechenberg, Paul) (Entered: 11/21/2007) |
| 11/21/2007 | 13 | MEMORANDUM in Support of Motion re 12 First MOTION to Remand Case to State Court to state court filed by Plaintiff Beth Miller. (Rechenberg, Paul) (Entered: 11/21/2007) |
| 11/28/2007 | 14 | MOTION to Stay re 12 First MOTION to Remand Case to State Court to state court <i>and all Other Proceedings Pending a Transfer Decision by the Judicial Panel on Multidistrict Litigation</i> by Defendants McDonald's Corporation, Christian Foods, L.C., Alex Bishop, Inc.. (Terry, Rebecca) (Entered: 11/28/2007) |
| 11/28/2007 | 15 | MEMORANDUM in Support of Motion re 14 MOTION to Stay re 12 First MOTION to Remand Case to State Court to state court <i>and all Other Proceedings Pending a Transfer Decision by the Judicial Panel on Multidistrict Litigation</i> MOTION to Stay re 12 First MOTION to Remand Case to State Court to state court <i>and all Other Proceedings Pending a Transfer Decision by the Judicial Panel on Multidistrict Litigation</i> filed by Defendants McDonald's Corporation, Christian Foods, L.C., Alex Bishop, Inc.. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H, # 9 Exhibit I, # 10 Exhibit J, # 11 Exhibit K, # 12 Exhibit L, # 13 Exhibit M, # 14 Exhibit N, # 15 Exhibit O, # 16 Exhibit P, # 17 Exhibit Q, # 18 Exhibit R)(Terry, Rebecca) (Entered: 11/28/2007) |
| 11/29/2007 | | Docket Text ORDER: Re: 14 MOTION to Stay re 12 First MOTION to Remand Case to State Court to state court <i>and all Other Proceedings Pending a Transfer Decision by the Judicial Panel on Multidistrict Litigation</i> by Defendants McDonald's Corporation, Christian Foods, L.C., Alex Bishop, Inc.. (Terry, Rebecca) filed by McDonald's Corporation, Alex Bishop, Inc., Christian Foods, L.C. ; ORDERED SO ORDERED. Signed by Honorable Jean C. Hamilton on 11/29/07. (TRC) (Entered: 11/30/2007) |
| 11/30/2007 | | ORDER RECEIPT: (see receipt) Fri Nov 30 10:19:15 CST 2007 (Christopher, Timothy) (Entered: 11/30/2007) |
| 11/30/2007 | | (Court only) ***Set/Clear Flags: Stayed (TRC) (Entered: 11/30/2007) |
| 12/07/2007 | 16 | Verified MOTION for Admission Pro Hac Vice of Brian W. Smith by Plaintiff's M. M., M. M., Beth Miller, Frank Miller. (Attachments: # 1 Envelope)(TRC) (Entered: 12/07/2007) |
| 12/07/2007 | | ORDER RECEIPT: (see receipt) Fri Dec 7 14:09:03 CST 2007 (Christopher, Timothy) (Entered: 12/07/2007) |
| 12/10/2007 | | Docket Text ORDER: Re: 16 Verified MOTION for Admission Pro Hac |

| | | |
|------------|---------------------------|---|
| | | Vice of Brian W. Smith by Plaintiffs M. M., M. M., Beth Miller, Frank Miller. (Attachments: // Envelope)(TRC) filed by M. M., Beth Miller, Frank Miller ; ORDERED : SO ORDERED. Signed by Honorable Jean C. Hamilton on 12/10/07. (CEL) (Entered: 12/10/2007) |
| 12/10/2007 | <u>16</u> | ORDER RECEIPT: (see receipt) Mon Dec 10 16:15:15 CST 2007 (Lippold, Carrie) (Entered: 12/10/2007) |
| 02/12/2008 | <u>17</u> | ORDER OF TRANSFER TO OTHER DISTRICT to: Northern District of Illinois. Signed by Panel on Multidistrict Litigation on 2/12/08. (Docketed as Order of Transfer per Chambers' Instructions)(TRC) (Entered: 02/12/2008) |
| 02/28/2008 | <u>18</u> | TRANSFER ORDER (certified) re 17 Ordered this action is transferred to No. Dist. of Ill.. Signed by MDL Panel on 2/27/08. (CEL) (Entered: 02/28/2008) |
| 02/28/2008 | <u>19</u> | Letter to Clerk from USDC N/IL Re:MDL transfer documents (CEL) (Entered: 02/28/2008) |



UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

Feb 12, 2008

FILED
CLERK'S OFFICE

IN RE: MCDONALD'S FRENCH FRIES
LITIGATION

M.M., et al. v. McDonald's Corp., et al.,)
E.D. Missouri, C.A. No. 4:07-1802)

Judge Buckle
MDL No. 1784

TRANSFER ORDER

Before the entire Panel: Plaintiffs in an action pending in the Eastern District of Missouri have moved pursuant to Rule 7.4, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001), asking the Panel to vacate its order conditionally transferring the action to the Northern District of Illinois for inclusion in MDL No. 1784. Defendant McDonald's Corp. (McDonald's) opposes the motion.

After considering all argument of counsel, we find that this action involves common questions of fact with the actions in this litigation previously transferred to the Northern District of Illinois, and that transfer of this action to the Northern District of Illinois for inclusion in MDL No. 1784 will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. We further find that transfer of this action is appropriate for reasons that we set out in our original order directing centralization in this docket. In that order, we held that the Northern District of Illinois was a proper Section 1407 forum for actions involving allegations concerning whether McDonald's misled the public regarding the presence of gluten, wheat or dairy derivatives in its french fries. *See In re McDonald's French Fries Litigation*, 444 F.Supp.2d 1342 (J.P.M.L. 2006).

Plaintiffs can present any motion for remand to state court to the transferee judge. *See, e.g., In re Ivy*, 901 F.2d 7 (2d Cir. 1990); *In re Prudential Insurance Company of America Sales Practices Litigation*, 170 F.Supp.2d 1346, 1347-48 (J.P.M.L. 2001).

FILED

MAR 03 2008

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT


A TRUE COPY OF THE ORIGINAL
JAMES G. WOODWARD, CLERK
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
BY: *[Signature]*
DEPUTY CLERK

A TRUE COPY OF THE ORIGINAL
JAMES G. WOODWARD, CLERK
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
BY: *[Signature]*
DEPUTY CLERK

- 2 -

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, this action is transferred to the Northern District of Illinois and, with the consent of that court, assigned to the Honorable Elaine E. Buckle for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket.

PANEL ON MULTIDISTRICT LITIGATION


John G. Heyburn II
Chairman

D. Lowell Jensen
Robert L. Miller, Jr.
David R. Hansen

J. Frederick Motz
Kathryn H. Vratil
Anthony J. Scirica